

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, FEBRUARY 23, 1998
AT 6:00 P.M.
IN THE HOUSE OF HOSPITALITY, GRAND BALLROOM
1549 EL PRADO, BALBOA PARK

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 6:11 p.m.
The meeting was adjourned by Mayor Golding at 8:55 p.m.

ATTENDANCE DURING THE MEETING:

(M) Mayor Golding-present
(1) Council Member Mathis-present
(2) Council Member Wear-present
(3) Council Member Kehoe-present
(4) Council Member Stevens-present
(5) Council Member Warden-present
(6) Council Member Stallings-present
(7) Council Member McCarty-present
(8) Council Member Vargas-present
Clerk-Abdelnour (mc)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by City Clerk Charles G. Abdelnour.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Kehoe.

FILE LOCATION: MINUTES

PUBLIC COMMENT:

ITEM-PC-1:

Roger Conlee, President of the House of Hospitality Association, welcomed the Mayor and Council to the House of Hospitality.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A015-020.)

ITEM-PC-2:

Comment by Minalyn Wincote requesting that the Council allow Henry Olivas to continue his volunteer work of repairing the Balboa Park Club roof, and cleaning graffiti.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A022-041.)

ITEM-PC-3: REFERRED TO CITY MANAGER

Comment by Henry Olivas asking the City Council for authorization to continue doing volunteer work of repairing the Balboa Park Club roof, and cleaning graffiti.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A042-063.)

ITEM-PC-4:

Comment by Don Stillwell regarding what the City has been doing with Stadium funding.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A064-083.)

ITEM-PC-5:

Comment by Yosef Ben-Zvi regarding public campaign funding.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A086-113.)

ITEM-PC-6:

Comment by Mel Shapiro regarding the fact that the San Diego Housing Commission has stopped issuing the quarterly reports which has been issued since the 1980's. This report tells how many families were housed with their rent subsidized or assisted in home ownership.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A115-136.)

ITEM-PC-7:

Comment by Paul Culver stating that he supports the Convention Center, supports Council Members Stevens and Vargas in their attempt to try and get the branch libraries up to speed, is against the central library, and is in favor of a permanent homeless shelter. Mr. Culver also urged the Council Members to be committed to their existing office especially when they are running for a higher office.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A138-164.)

ITEM-PC-8:

Comment by Bruce Henderson regarding a report that the City Attorney issued on February 2, 1998 to the City Council concerning free food that was provided by Service America at Qualcomm Stadium for the last four years. He stated that he sent a response to that report to the City Attorney stating that he sees this issue as a conflict of interest and he urged the Mayor and Council not to take any action to cause them to violate the Political Reform Act of 1974.

City Attorney Casey Gwinn stated for the record that in his opinion, they have thoroughly researched the issues that have been raised and does not believe that there are any conflicts of any kind in matters before Council at that meeting or in matters that have been previously referenced in any way related to issues of Qualcomm Stadium or the Box.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A165-204.)

COUNCIL COMMENT:

ITEM-CC-1:

Council Member Kehoe welcomed everyone to Balboa Park and pointed out the terrific job that was done on the reconstruction of the House of Hospitality. Ms. Kehoe also commented on the serious situation some of our potholes are in. Last week the Mayor called for 24-hour turnaround on potholes. The hotline has gotten so much publicity that it is totally backed up. It has

gone from 40 calls to 400 calls per day and the hotline staffing has not increased to meet the escalating demand. She requested that the City Manager immediately dedicate two additional employees to do the hotline full-time.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A205-270.)

ITEM-CC-2:

Comment by Mayor Golding stating that the major capital projects that the Council has engaged on for the past four years is that of the upgrade of the water and sewer system. The City is spending \$3.18 billion to upgrade the water and sewer system of this City and that is why some of the streets are torn up.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A242-271.)

ITEM-CC-3:

Council Member Mathis praised the Street Division personnel for working very hard during the past few weeks just to keep up the conditions during the intense rain storms. These employees literally worked around-the-clock working 10-15 hour shifts and in some emergency cases supervisors worked 20 plus hour shifts to keep up with the weather.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A272-295.)

ITEM-CC-4:

Comment by Council Member Vargas regarding the sink hole in South San Diego. He thanked the City crews who worked hard to reestablish the sewer and water lines in that area and also thanked Penny Culbreth-Graft for working very hard with the residences.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A296-312.)

ITEM-CC-5:

Comment by Mayor Golding informing the public that the hotline that Council Member Kehoe referred to is also to be used during this period of El Nino to call in any storm drains that seem to be plugged.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A313-324.)

ITEM-30: APPROVED

Approval of Council Minutes for the Meetings of:

2/2/98
2/3/98
2/9/98 Adjourned
2/10/98 Adjourned

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A325-333.)

MOTION BY KEHOE TO APPROVE. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-100:

SUBJECT: Three actions related to the Final Subdivision Map of N.C.W. Neighborhood 3, Resubdivision of Unit No. 9.

(This is a 20-lot subdivision. Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-841) ADOPTED AS RESOLUTION R-289747

Authorizing the execution of a Subdivision Improvement Agreement with Pardee Construction Company, for the installation and completion of public improvements.

Subitem-B: (R-98-840) ADOPTED AS RESOLUTION R-289748

Approving the final map.

Subitem-C: (R-98-842) ADOPTED AS RESOLUTION R-289749

Authorizing the execution of a Landscape Maintenance Agreement with Pardee Construction Company, for the maintenance and monitoring of landscaping within the public rights-of-way.

CITY MANAGER SUPPORTING INFORMATION:

This map proposes the subdivision of a 3.306 acre site into 20 lots for residential development. It is located north of Quarter Mile Drive between El Camino Real and Wyndhaven Drive in the

Carmel Valley Community Plan area. On April 15, 1997 the City Council of the City of San Diego approved Vesting Tentative Map VTM-96-0551 for N.C.W. Neighborhood 3 Resubdivision of Unit No. 9 by Resolution R-2888553. The City Engineer has approved the final map and states that all conditions of the Tentative Map have been satisfied. The public improvements required for this subdivision are shown in detail on Drawing Nos. 28729-I-D through 28729-14-D, filed in the Office of the City Clerk under Micro Number 139.53. All improvements are to be completed within two years. The Engineer's estimate for the cost of public improvements is \$274,428 and a Performance Bond in that amount has been provided as surety. A cash bond in the amount of \$4,800, as determined by the surveyor's estimate, has been posted as surety for the setting of survey monuments. This subdivision is located in the Carmel Valley Facilities Benefit Assessment (FBA) District, which provides for the payment of FBA (including parks), at the time of building permit issuance. This community may be subject to impact fees, as established by the City Council at the time of issuance of building permits. Development on any property within this map shall pay the fees as set by the City Council and in effect in the community at the time of building permit issuance. Fees will be paid at the time the building permit is issued. The Subdivider, by letter, has given assurance to the City of San Diego that he subscribes to the Affirmative Marketing Program as shown in the "Memorandum of Understanding between the San Diego Building Industry Association and U.S. Department of Housing and Urban Development". The Subdivider shall enter into a Landscape Maintenance Agreement, agreeing to maintain all landscaping and appurtenances thereto within the City right-of-way, adjacent to this subdivision until another mechanism is established and assumes maintenance responsibility. A Performance Bond for Landscaping Maintenance in the amount of \$5,200 will be provided to ensure the maintenance of the landscape improvements prior to the release of the performance bond for grading and public improvements.

FILE LOCATION: Subitems A-C: SUBD - North City West
Neighborhood 3 Final Map (40)
CONTFY98-2

COUNCIL ACTION: (Tape location: A427-559.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-101:

SUBJECT: Easement Abandonments - Drainage, Water and Sewer in
Parcels 1 and 3 of Parcel Map PM-17936 and Parcels 2
and 3 of Parcel Map PM-14943.

(University Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-820) ADOPTED AS RESOLUTION R-289750

Vacating the drainage, water and sewer easements located within Parcel 1 and 3 of Parcel Map PM-17936 and Parcels 2 and 3 of Parcel Map PM-14943, in connection with Planned Commercial Development PCD-85-0492, under the procedure for the summary vacation of public service easements.

CITY MANAGER SUPPORTING INFORMATION:

The abandonment of these easements has been requested by Regents Drive, LLC, in order to allow a revised design of a multifamily residential project approved as part of Planned Commercial Development PCD-85-0492. A portion of one of the water easements was granted by deed to the City on June 14, 1994, as shown on City of San Diego Drawing 16347-B. The other easements were granted per Map-10703. There was no cost to the City for any of the easements. The easements are no longer needed because of the

revised design for the project. Staff review of these easements indicates that the four required findings for abandonment can be made and these easements may be summarily abandoned.

FINDINGS:

- 1) The public will benefit from the vacation through improved utilization of the land.
- 2) The vacation is consistent with the approved Community Plan.
- 3) There is no present or prospective use for the easements, either for the public service easement system or any other public use of a like nature.
- 4) The public easement system for which the easements were originally acquired will not be detrimentally affected by these vacations.

FILE LOCATION: DEED F-7171 DEEDFY98-1

COUNCIL ACTION: (Tape location: A427-559.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-102:

SUBJECT: Easement Abandonment - Landscape Easement in Parcel 11 of Parcel Map PM-17761.

(Sorrento Hills Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-821) ADOPTED AS RESOLUTION R-289751

Vacating the landscape easement located within Parcel 11 of Parcel Map PM-17761, under the procedure for the summary vacation of public service easements.

CITY MANAGER SUPPORTING INFORMATION:

California Pacific Homes/Sorrento Hills Associates, LLC, has requested the abandonment of a landscape easement in order to move a sound wall from the bottom of a slope to the top of the slope. The easement was granted to the City on Parcel Map PM-17761, filed October 3, 1996, at no cost to the City, and is no longer needed. Staff review of the vacation indicates that the required four findings of abandonment can be made and recommends that this easement be summarily abandoned.

FINDINGS:

- 1) There is no present or prospective use for the easements, either for the public service easement system or any other public use of a like nature.
- 2) The public will benefit from the vacation through improved utilization of the land.
- 3) The vacation is consistent with the approved Community Plan.
- 4) The public easement system for which the easement was originally acquired will not be detrimentally affected by this vacation.

FILE LOCATION: DEED F-7172 DEEDFY98-1

COUNCIL ACTION: (Tape location: A427-559.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-103:

SUBJECT: Amending the Fiscal Year 1998 Capital Improvements
Program Budget to Upgrade the Santa Clara Recreation
Center Tot Lot.

(Mission Bay Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-857) ADOPTED AS RESOLUTION R-289752

Amending the Fiscal Year 1998 Capital Improvements
Program to add CIP-22-108.0, Santa Clara Recreation
Center Tot Lot Upgrade;

Authorizing the Auditor and Comptroller to transfer
\$25,000 from CIP-22-099.0, Bonita Cove Playground-ADA
Upgrade, Sludge Mitigation Fund No. 10507, and \$75,000
from Sludge Mitigation Fund Balance Fund No. 10507, to
CIP-22-108.0, Santa Clara Recreation Center Tot Lot
Upgrade;

Authorizing the expenditure of not to exceed \$100,000
from CIP-22-108.0, Santa Clara Recreation Center Tot
Lot Upgrade.

CITY MANAGER SUPPORTING INFORMATION:

The California Coastal Commission approved the allocation of
\$100,000 in FY 98 Sludge Mitigation Funds for a playground
upgrade at Bonita Cove. Subsequently, it was realized that the
playground had already been upgraded to meet Americans with
Disabilities Act (ADA) Standards. The Santa Clara Recreation
Council has requested that the tot lot at the Recreation Center

be upgraded to meet ADA Standards. Therefore, this Council action will provide the funding necessary to upgrade the Santa Clara Recreation Center tot lot. California Coastal Commission has approved this reallocation of funding.

Aud. Cert. 9800913.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A427-559.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-104:

SUBJECT: Reprogramming of CDBG Funds for the North Embarcadero Alliance Planning Project.

(District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-856) ADOPTED AS RESOLUTION R-289753

Authorizing the Auditor and Comptroller to reprogram \$25,000 from District 2, Fund 18531, Dept. 4081, Org. 8111, (District 2 Tree Planting), and \$25,000 from City-wide funds to include \$1,000 from Fund 18529, Dept. 4040, Org. 4001 (CDBG Administration), \$12,000 from Fund 18531, Dept. 4092, Org. 9215 (Pryde Program), and \$12,000 from Fund 18532, Dept. 4121, Org. 2108 (Pryde Program) for a total of \$50,000 to Fund 18533, Dept. 4138, Org. 3811 for the North Embarcadero Planning Project;

Authorizing the expenditure of not to exceed \$50,000 from Fund Nos. 18529, 18531, 18532 for the purpose of providing funds for the North Embarcadero Planning Project.

CITY MANAGER SUPPORTING INFORMATION:

On June 3, 1997 the City Council approved the North Embarcadero Memorandum of Understanding with the County, Port, Navy and CCDC. The Alliance is dedicated to the development of the land along the waterfront. The MOU calls for each agency to contribute towards the cost of the planning process for the North Embarcadero area. As the fiscal agent, the Port of San Diego, has determined that each agency's share of the costs would be \$150,000. This action will provide \$50,000 in CDBG funds to meet the City's immediate obligation to the Port.

Aud. Cert. 9800935.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D337-433.)

MOTION BY KEHOE TO ADOPT THE RESOLUTION WITH THE REQUEST THAT STAFF ASK THE NORTH EMBARCADERO ALLIANCE TO COME IN AND BRIEF THE CITY COUNCIL ON THEIR RECOMMENDATIONS SO THAT COUNCIL KNOWS WHAT THEY ARE GETTING FOR THEIR MONEY. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-105:

SUBJECT: Emergency Holding Ponds at Sewer Pump Station No. 77 - Additional Funds.

(Rancho Bernardo Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-811) ADOPTED AS RESOLUTION R-289754

Authorizing the expenditure of an amount not to exceed \$30,000 from Sewer Revenue Fund 41506, CIP-46-0106.0, Annual Allocation for Sewer Pump Station Restorations, for additional engineering and contingency costs for the Emergency Holding Ponds at Sewer Pump Station No. 77, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

On July 1996, the Council approved (Resolution R-286106) the construction of improvements to the Emergency Sewer Holding Ponds at Sewer Pump Station No. 77 in Rancho Bernardo. This project will upgrade the operational reliability of the ponds, ease maintenance, and improve the security of the site while lessening the visual impact of the facility on the surrounding community. In order to provide adequate protection against sewer spills during the work, it was required to conduct accelerated work and substantially complete the holding pond portions of the project prior to the 1996/1997 winter rainy season when the emergency storage was required. To meet these requirements, the contractor adopted an accelerated work schedule which included work after normal hours and on weekends. In order to provide the necessary inspection services, City staff was required to work during these times which resulted in additional field inspection and survey charges to the project. In addition, the Metropolitan Wastewater

staff has requested additional work by the contractor to comply with the new regulatory requirements and changes in their operational procedures since the beginning of the project. For these reasons, Council approved (R-289127) additional funding for this project (July 1997) to cover these costs. However, the actual costs incurred exceeded the original estimates due to adverse conditions encountered in the later stages of construction. Currently the construction work is substantially complete and this action will cover all remaining costs needed to close out the project.

WWF-98-316.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A427-559.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-106:

SUBJECT: Agreement with the City of La Mesa for Use of the City of San Diego's 800 MHZ Communications Network.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-818) ADOPTED AS RESOLUTION R-289755

Authorizing an agreement with the City of La Mesa for use of the City of San Diego's 800 MHZ Communications Network, in exchange for the City of La Mesa's payment of a system access charge of \$100,000, and an initial monthly user charge of \$29.50 per radio to the City;

Authorizing the Auditor and Comptroller to place the \$100,000 in revenue derived from the City of La Mesa's payment of the system access charge into Fund 63022 (Private and Other Contributions - CIP);

Authorizing the Auditor and Comptroller to increase CIP-37-012.0, Annual Allocation - Communications System Requirements, in Fund 63022 by \$100,000;

Authorizing the expenditure of not to exceed \$100,000 from CIP-37-012.0, for the purpose of upgrading the City's existing 800 MHZ Communications Network;

Allocating the monthly user charge per radio received from the City of La Mesa as follows:

- 1) \$25 per radio per month shall be allocated to the General Fund.
- 2) \$4.50 per radio per month, which amount may increase in accordance with the percentage increase in the All Urban Consumers Price Index for the San Diego Region for the most recent 12 months, shall be allocated to the City's Information Technology and Communication Department, Communications Division, for maintenance of the 800 MHZ system.

CITY MANAGER SUPPORTING INFORMATION:

The City of San Diego's 800 MHZ voice radio network was purchased in September 1990 and became operational in 1992. The City's 800 MHZ voice network provides a communications infrastructure for many general fund departments including Police, Fire & Life Safety, Lifeguards, and Park Rangers. The City's radio network also contracts voice radio services for various other non-general fund departments and agencies such as Building Inspection, MWWD, Water Department, and San Diego Unified School District. The

City of La Mesa desires to utilize the City's 800 MHZ voice communications network for its Public Safety and Public Safety/Service operations. The City of La Mesa will pay to San Diego a system access charge of \$100,000 and a monthly fee of \$29.50 per radio on the system. The \$29.50 fee consists of \$25.00 allocated to the General Fund and \$4.50 allocated to the Information Technology and Communications Department, Communications Division, for system maintenance. The \$4.50 variable user charge is for maintenance and operation of the 800 MHZ/microwave backbone and is subject to annual increase not to exceed the percentage increase of the All Urban Consumers Price Index for the San Diego Region for the most recent 12 months. Authorization is requested to budget the \$100,000 System Access Charge for the upgrade of the City's existing 800 MHZ communications network. The upgrade will cost approximately \$109,000 and will provide six base stations, multiplex cards, and combiner upgrades necessary to add an additional channel to the City's 800 MHZ communications network. The remaining \$9,000 will come from the Communications Division budget.

FILE LOCATION: MEET CONFY98-1

COUNCIL ACTION: (Tape location: D227-320.)

MOTION BY McCARTY TO ADOPT. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-107:

SUBJECT: San Diego Qualcomm Stadium Expansion and Renovation Project - Amendment to Agreement with HNTB.

(Mission Valley Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-432 Cor. Copy) ADOPTED AS RESOLUTION R-289756

Authorizing a third amendment to agreement with HNTB Architects for additional construction support services in the amount of \$132,776 for the San Diego Qualcomm Stadium Expansion and Renovation project;

Authorizing the expenditure of not to exceed \$132,776 from Fund 92510.

CITY MANAGER SUPPORTING INFORMATION:

The San Diego Qualcomm Stadium Expansion and Renovation increased the capacity of the existing stadium by approximately 10,000 seats, added skybox suites, club seats and lounges, and other amenities. On May 15, 1995, City and Consultant (HNTB) entered into an Agreement, the original of which is on file in the office of the City Clerk as Document No. RR-285780-2, to provide professional services for the proposed Stadium Expansion. On October 10, 1995, City and Consultant amended the original Agreement which is on file in the Office of the City Clerk as Document No. RR-286431-2, to provide additional professional services for the proposed Stadium Expansion. On December 10, 1996, City and Consultant amended the original Agreement and First Amendment to Agreements which is on file in the Office of the City Clerk as Document No. RR-288214, to provide additional professional services for the proposed Stadium Expansion. Since the execution of the First Amendment, the Consultant provided ongoing construction support and design expertise for the design/build performance specifications for the expansion project. This Amendment represents the final payment to the Consultant for this project and will allow the contract to be closed. Authorization is therefore requested to amend the Consultant Agreement in the amount of \$132,776.

Aud. Cert. 9800449.

FILE LOCATION: MEET (Stadium 61) CCONFY98-1

COUNCIL ACTION: (Tape location: D321-336.)

MOTION BY WARDEN TO ADOPT. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-nay, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-108:

SUBJECT: Change Order No. 1 with Nottson Construction, Inc. for Improvement of El Capitan Reservoir Boat Facilities.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-806) ADOPTED AS RESOLUTION R-289757

Approving Change Order No. 1 with Nottson Construction, Inc., increasing the contract price by \$46,546;

Authorizing the Auditor and Comptroller to transfer \$46,546 from Fund 41500, CIP-73-024.0, Annual Allocation - Freeway Relocations, to Fund 41500, CIP-73-318.0, Improvement of El Capitan Boat Facilities;

Authorizing the expenditure of not to exceed \$46,546 from Fund 41500, CIP-73-318.0.

CITY MANAGER SUPPORTING INFORMATION:

On June 9, 1997, the Council approved RR-288761, the advertisement of this project for the base bid contract and several bid alternates. Based on the bids received, it was found

that the funds available in the project were sufficient to award work contained in the base bid only. Therefore, in order to comply with the time requirements in the State grant agreement and considering the potential for delays due to the heavy rainfall this winter, the construction contract (for the base bid only) was subsequently awarded to the low bidder (Nottson Construction). However, the Water Department has now determined that several items of work contained in the bid alternates are crucial to expanded operations, and requested that they be added to the current contract. With this action, this project will provide a concrete boat ramp usable during high water levels, expanded parking areas with improved signage, widened roadways, sidewalks, upgraded utilities with a new water well, relocated fuel tank, and other facilities required to provide adequate service for the anticipated usage of the lake's recreational facilities during higher water levels. At the request of the State, an extension of the boat ramp was substituted for the restroom improvements, which will be covered by a future grant.

Aud. Cert. 9800866.

WWF-98-314.

FILE LOCATION: CONT - Nottson Construction, Inc.
 CONTFY98-1

COUNCIL ACTION: (Tape location: A427-559.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-200:

SUBJECT: Report of the City of San Diego Task Force on Ballpark Planning.

(See City Manager Report CMR-98-35.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-877 REV.1) ADOPTED AS AMENDED AS RESOLUTION
R-289758

Authorizing the City Council to receive the Report dated 1/29/98 from the City of San Diego Task Force on Ballpark Planning;

Authorizing the City Council's confirmation of the list of recommended members to be on the City's negotiating team, as outlined in City Manager Report CMR-98-35, and authorizing this City team to negotiate with the San Diego Padres on consideration of a new ballpark project;

Directing the City Manager to return to the City Council with specific recommendations on the above mentioned Task Force Report, including a time-line and process for submission of any proposed ballpark ballot measure.

FILE LOCATION: GEN'L - Padres Task Force on Ballpark
Planning

COUNCIL ACTION: (Tape location: A560-D151.)

MOTION BY WEAR TO ADOPT THE RESOLUTION ACCEPTING THE TASK FORCE'S REPORT AND TO: 1) DIRECT THE CITY MANAGER TO IMPLEMENT THE RECOMMENDATIONS CONTAINED IN THE REPORT DATED FEBRUARY 23, 1998, AND TO RETURN TO COUNCIL IN THREE WEEKS WITH THE NECESSARY TIME LINE TO GET THE MATTER BEFORE THE

PUBLIC VOTE AS EARLY AS NOVEMBER; 2) BEGIN THE NECESSARY PRELIMINARY PLANNING, NOW THAT WE HAVE A RECOMMENDED SITE, AND GIVE DIRECTION TO CCDC TO WORK WITH THE MANAGER'S OFFICE TO COLLECT THE BASELINE DATA NECESSARY FOR THE PARTICULAR PROJECT AREA; 3) INSURE THAT THE TASK FORCE WILL CONTINUE TO REMAIN IN PLACE THROUGHOUT THE ENTIRE PROCESS AND WILL HAVE AN OPPORTUNITY TO DELIBERATE AND TAKE PUBLIC COMMENT ON THE ULTIMATE FINANCING PACKAGES THAT ARE PLACED BEFORE THAT BODY. Second by Mathis.

Amendment to the motion by McCarty to ask that CCDC be placed on the negotiating team to work with the City Manager. Second by Stevens. Vote not taken.

Amendment to the motion by Warden to have a blue ribbon group from the private sector, basically those involved in finance who have experience with large capital projects, review the proposed financing plan after the Task Force reviews it and give Council an oversight and opinion of it. No second.

AMENDMENT TO THE MOTION BY WEAR TO STATE THAT AS THE CITY MANAGER DETERMINES, CCDC CAN BE INVOLVED IN THE PROCESS. Second by McCarty.

Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-201:

SUBJECT: Extension of the Waste Management of San Diego Curbside Recycling Contract.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 2/2/98. (Council voted 9-0):

(O-98-78) ADOPTED AS ORDINANCE O-18466 (New
Series)

Authorizing an extension of the agreement with Waste Management of San Diego, for collection of curbside recyclables from March 1, 1998 to February 28, 1999.

NOTE: 6 votes required. Pursuant to Section 99 of the City Charter, a notice regarding the adoption of the ordinance was published in the Daily Transcript on 2/11/98.

CITY MANAGER SUPPORTING INFORMATION:

On June 20, 1990 Council authorized the City Manager to enter into a five year agreement with Waste Management of San Diego (WMSD) to provide curbside recycling service to 40,146 households. All contract extensions were utilized and on September 1, 1996, an eighteen month extension was granted, extending the contract to March 1, 1998. This action requests one final contract extension in lieu of releasing a Request for Proposal. The Curbside Recycling Program is currently being studied for significant changes based on the recommendation by the Manager's Committee on Curbside Recycling that curbside recycling be expanded city-wide with automated collection. If it is not expanded citywide, the recommendation is to discontinue the current program that serves only 1/3 of the City's single family homes. Due to the uncertain future of the Curbside Recycling Program, it is not feasible to put the service out to bid. The only alternatives to extending the WMSD contract would be to discontinue the service to the 40,146 households currently serviced by WMSD, or to take over the service with City collection crews and retired refuse collection trucks.

Aud. Cert. 9800856.

FILE LOCATION: MEET CONFY98-1

COUNCIL ACTION: (Tape location: A427-559.)

CONSENT MOTION BY KEHOE TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-202:

SUBJECT: Reprogramming the CDBG Funds.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-855) ADOPTED AS RESOLUTION R-289759

Authorizing the City Auditor and Comptroller to reprogram \$2,000 of City-wide funds from Fund 18529, Dept. 4040, Org. 4001 (CDBG Administration), \$4,198.56 from Fund 18529, Dept. 4042, Org. 4206 (Elder-Help/Alpha) and \$2,501.44 from Fund 18529, Dept. 4047, Org. 4702 (Black Chamber of Commerce) for a total of \$8,700 to Dept. 4141, Org. 4121 (Public Restrooms);

Authorizing the City Auditor and Comptroller to reprogram \$463,769 from CDBG Program Income Account (18502) to: (a) Dept. 4141, Org. 4120, \$20,000 (Winter Shelter); (b) Dept. 4134, Org. 3414, \$10,000 (SEDC Business Development); and (c) Dept. 4132, Org. 3241, \$433,769 (Senior Citizen Center);

Authorizing the City Auditor and Comptroller to reprogram \$20,000 from District 7 CDBG Funds Fund 18531, Dept. 4091, Org. 911 (Clay/Allied Gardens) to Fund 18533, Dept. 4141, Org. 4120 (Winter Shelter);

Authorizing the expenditure of not to exceed \$492,469
from Fund 18502, 18529 and 18531.

CITY MANAGER SUPPORTING INFORMATION:

Today's actions with respect to CDBG funds are required to implement prior Council actions or directives. A Section 108 Loan activity for the acquisition of land in the Gateway project in Council District Four was recently closed out and resulted in the availability of \$463,769 to Council District Four. The reprogramming will move the funds from the CDBG program income account into the Senior Citizen Center, SEDC Business Development, and Winter Shelter programs as directed by the District Office. On November 24, 1997 the City Council approved the implementation of the City's Winter Shelter Program and appropriated \$100,000 in CDBG funds toward its operation. The reprogramming of funds will make available to the program the \$20,000 each pledged by Council District Four and District Seven. A pilot program extending the hours of operation of the public restrooms at Third Avenue and C Street for a three month period has been initiated. The expected cost for the additional hours between 10:00 p.m. and 7:00 a.m. is \$8,700 for the period. Available City-Wide CDBG funds will be used for this project.

Aud. Cert. 9800934.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A427-559.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-203:

(Continued from the meeting of February 2, 1998, Item 107, at Councilmember Kehoe's request, for a report from the Office of Small Businesses about why they were sitting on \$100,000 for three years and now want to reallocate the \$100,000 to another program, when Council has been working to fund the Facade Rebate Program from which it is coming.)

SUBJECT: Re-Capitalization of the EmTek Fund.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-748 REV.) ADOPTED AS AMENDED AS RESOLUTION
R-289760

Authorizing the reallocation and transfer of \$110,000 in Industrial Development Bond Fund Fee revenues previously allocated to Facade Rebate Program Fund 10242, Org. 150, to the EmTek Seed Capital Program Fund 10242, Org. 160, for the purpose of re-capitalization of the EmTek Fund;

Authorizing the allocation of an additional \$15,000 from Fund 10240 to the EmTek Seed Capital Fund, for a total of \$125,000.

CITY MANAGER SUPPORTING INFORMATION:

The EmTek Fund was established in 1994 as part of a \$5.8 million federal defense conversion grant to provide financing for promising smaller early stage high tech businesses located throughout the San Diego region unable to obtain conventional loans or attract venture capital. EmTek's initial \$1 million capitalization came from a \$750,000 EDA Title IX Revolving Loan Fund grant, with a \$250,000 local matching contribution provided by the City. EmTek has committed a total of \$1,080,000 in loans to 8 companies; 1 loan has been repaid in full; 1 loan is delinquent; the remainder of the portfolio is current and performing. 74 new jobs have been retained or created and over

\$3.9 million in total public and private investment has been generated to date. \$162,000 is currently available for lending, with several additional loan requests pending. In order to build upon EmTek's accomplishments, rather than suspending EmTek's operations upon obligation of its remaining initial capital, the City Manager is seeking to continue the program with a proposed \$1 million re-capitalization, as follows: \$125,000 has been committed from the County of San Diego by action of the Board of Supervisors on December 9; \$125,000 of additional City funding would be committed by the proposed action; \$750,000 is being sought from other public (e.g. EDA) and/or private (e.g. banks) sources. The proposed action authorizes a transfer to EmTek of \$110,000 previously allocated for the Facade Rebate Program in 1993 (R-282405) but still available due to the fact that in the intervening period, annual funding has been allocated for facade rebates as part of the Small Business Enhancement Program; and allocation of \$15,000 in revenues on-hand from the Industrial Development Bond Fund.

Aud. Cert. 9800798.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D152-226.)

MOTION BY McCARTY TO ADOPT THE RESOLUTION APPROVING THE
EMTEK LOAN PACKAGE SUBJECT TO THE FOLLOWING CONDITIONS:

1. THAT THE SMALL BUSINESS ENHANCEMENT PROGRAM FOR FY98 BE INCREASED FROM \$1,040,000 TO \$1,225,000 TO MORE ACCURATELY REFLECT THE VERIFIABLE REVENUE FLOW WHICH IS \$185,000 MORE THAN EXPECTED AND EXPERIENCED BY THE FUND IN FY97;
2. THAT THE SMALL BUSINESS ENHANCEMENT PROGRAM ANNUAL ALLOCATION BE BASED ON THE IMMEDIATE PAST FISCAL YEAR REVENUE ESTIMATE AND AUTOMATICALLY ADJUSTED IN JANUARY TO REFLECT THE ESTIMATED "ACTUAL" REVENUE TO FUND AND BE MADE WHOLE, PLUS OR MINUS, WITHIN THE NEXT FISCAL YEAR; AND

3. THAT THE ENHANCEMENT PROGRAM FUNDING BE ALLOWED TO ROLL OVER FROM YEAR TO YEAR TO FACILITATE THE PROPOSED METHOD OF ADJUSTMENT AND TO INSURE UNINTERRUPTED FLOW OF FUNDING TO THE STOREFRONT IMPROVEMENT PROGRAM AND OTHER PROGRAMS VITAL TO THE WELL-BEING OF THE SMALL BUSINESS COMMUNITY.

ACCEPT COUNCIL MEMBER KEHOE'S RECOMMENDATION TO REQUEST THAT THE ECONOMIC DEVELOPMENT DIVISION RETURN TO COUNCIL WITH A REPORT ON HOW THE FACADE REBATE IMPROVEMENT PROGRAM CAN BE MOVED TOWARD A MICRO LOAN PROGRAM, HOW THAT CAN BE IMPLEMENTED, AND IF NEED BE, CONTRACTED OUT TO A NON-PROFIT TO DO THE MICRO LOAN PORTION OF IT.

Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-S400:

SUBJECT: Commending the Kearny High Electric Vehicle Club.

COUNCILMEMBER STALLINGS'S RECOMMENDATION:

Adopt the following resolution:

(R-98-863) ADOPTED AS RESOLUTION R-289761

Commending the Kearny High Electric Vehicle Club for its outstanding contributions toward making San Diego a better place to work, live and learn.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A334-426.)

MOTION BY COMMON CONSENT TO ADOPT. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 8:55 p.m. in honor of the memory of Glenn Adkisson, as requested by Council Member Kehoe.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: D434-452.)